

July 23, 2013

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Oakland, CA 94612  
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5 Attorneys for Debtors

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7 UNITED STATES BANKRUPTCY COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9 **In re:**

Case No. 08-41341 RE

10 **WILLIAM WALTER JAMES and**  
11 **KELLEY RAE JAMES,**

Chapter 13

12 **Debtors.**

13 **ORDER DEEMING DEBTORS CURRENT**  
14 **ON ALL PRE-PETITION DEFAULT**  
15 **AND POST-PETITION AMOUNTS DUE**  
16 **TO CREDITOR PNC BANK AS**  
17 **SUCCESSOR TO NATIONAL CITY**  
18 **MORTGAGE AND AWARD OF**  
19 **ATTORNEY'S FEES**

20 On June 27, 2013, William and Kelley James (hereinafter Debtors)  
21 served a motion to deem that debtors are current on all pre-petition  
22 default and post-petition amounts incurred from March 21, 2008 to June  
23 26, 2013 due to PNC Bank as successor to National City Mortgage  
24 (hereinafter First Mortgage Creditor), as related to its loan, as  
25 evidenced by its proof of claim filed in the instant case which was  
26 designated as court claim #1, for the property located at 572 Bing  
Ct., Brentwood, CA 94513 (hereinafter Property), as well as requested  
attorney's fees incurred in bringing this motion due to the failure of  
First Mortgage Creditor to respond to the Chapter 13 Trustee's Notice  
of Final Cure Payment as required by Federal Rule of Bankruptcy  
Procedure 3002.1(g).

The court finds that notice of the motion upon First Mortgage Creditor was proper. First Mortgage Creditor having failed to file timely opposition to Debtors' motion, the court hereby orders as follows pursuant to Federal Rule of Bankruptcy Procedure 3002.1(h) and 3002.1(i):

(1) Debtors are deemed current on all pre-petition default and post-petition amounts incurred from March 21, 2008 to June 26, 2013 due to PNC Bank as successor to National City Mortgage, as related to its loan, as evidenced by its proof of claim filed in the instant case which was designated as court claim #1.

(2) The Law Offices of Patrick L. Forte is awarded attorney's in the amount of \$875 which will be the sole responsibility of First Mortgage Creditor to pay and which may not be, in any way, added to Debtors' loan as this fee was incurred in bringing this motion due to the failure of First Mortgage Creditor to respond to the Chapter 13 Trustee's Notice of Final Cure Payment as required by Federal Rule of Bankruptcy Procedure 3002.1(g).

\*\*\* END OF ORDER \*\*\*

COURT SERVICE LIST

Attn: Officer  
PNC Bank  
222 Delaware Avenue  
Wilmington, DE 19899

Attn: Officer  
PNC Mortgage, a Division of PNC Bank, NA  
3232 Newmark Dr.  
Miamisburg, OH 45342

Attn: Christine Oxley  
3232 Newmark Drive  
Mail Stop B6-YM07-01-8  
Dayton, OH 45342

Attn: Officer or Managing Agent  
Attn: Bankruptcy Department  
National City Mortgage Company  
3232 Newmark Dr.  
Miamisburg, OH 45342